



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 074273/0195

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#6  
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5/3

Applicant: Hiroyuki TOBA

Title: MOBILE COMMUNICATION TERMINAL WITH EXTERNAL  
DISPLAY UNIT

Serial No.: 10/090,792

Filed: March 6, 2002

Examiner: Unknown

Art Unit: 2681

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APR 19 2004

Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

### **TIMING OF THE DISCLOSURE**

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

### **CERTIFICATION**

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that item of information A3 listed on the Form PTO SB/O8 submitted with this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Items of information A1 - A2 are U.S. patents that is a counterpart to item of information A3.

### **RELEVANCE OF EACH DOCUMENT**

A translation of a portion of a Chinese Office Action that issued March 5, 2004 with respect to a counterpart Chinese patent application is provided below.

"The Examiner studies the Observations filed by the applicant in January 19, 2004 and examined the attached amended application document, and found that the application still defects that are contrary to the provisions of the Patent Law and the Implementing Regulations. Therefore, the following examination comments are given hereby.

The applicant stated in the Observations that claim 1 provides two display units and two driver sections from them, but

said differential technical feature has been disclosed in D3 (see line 12, page 2 to line 2, page 9 of the description of D3 and Figs. 1, 5 and 6). Therefore, D1 and 3 have disclosed all the technical features of claim 1. It is obvious for those skilled in the art to obtain the technical solution claimed in claim 1 on the basis of D1 in combination with D3, and such combination fails to produce any unexpected technical effect. Hence, claim 1 does not possess prominent substantive features and notable progress and does not possess inventiveness.

Claims 2-14 do not possess inventiveness for the reasons given in the first Office Action.

For the aforementioned reasons, neither the independent claims nor the dependent claims possess inventiveness, and meanwhile, no essential contents which can be granted the patent right stated in the description. Hence, even if the applicant reorganizes and/or makes further definitions to the claims according to what is stated in the description, it is very much unlikely for the present application to be granted the patent right. If the applicant cannot present convincing reasons to prove the inventiveness of the present application within the time limit fixed in the present Office Action, this application will application will be rejected.

When submitting the amending application document, the applicant should submit, first, a copy of the part of the original document in which the amendments are made thereto and mark the additions, deletions and replacements in said copy; and second, the reprinted replacement sheet for replacing the corresponding original texts. The applicant should make sure that said two parts are consistent with each other in content."

Applicant's statements regarding the Chinese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Chinese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

April 15, 2004  
Date

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